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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No.: CR 08-00144-03 JW
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	HEARING AS TO HEIDI
v.)	MACPHERSON AND EXCLUDE TIME;
)	[PROPOSED] ORDER
HEIDI MACPHERSON,)	
aka Heidi Pfeiffer,)	
)	
Defendant.)	

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the Court's approval, the pretrial conference hearing in the above-captioned matter, presently scheduled for Monday, August 31, 2009, at 1:30 p.m., be vacated, and the matter set for change of plea and sentencing on Monday, September 21, 2009, at 1:30 p.m. The parties have reached agreement in principle to settle the case, and the continuance is requested to allow time for specific terms of a plea agreement to be addressed. Additionally, defense counsel requires time to review a proposed plea agreement with Ms. Pfeiffer. The selected date of September 21, 2009 is the first Monday after August 31 on which all parties are available.

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1 The parties further agree that time should be excluded under the Speedy Trial Act because
2 the ends of justice served by granting the requested continuance outweigh the interest of the
3 public and the defendant in a speedy trial. The failure to grant the requested continuance would
4 deny defense counsel reasonable time necessary for effective preparation, taking into account the
5 exercise of due diligence, and would result in a miscarriage of justice. The parties therefore
6 stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and
7 (B)(iv).

8 Dated: 8/21/09

_____/s/_____
LARA S. VINNARD
Assistant Federal Public Defender

10 Dated: 8/24/09

_____/s/_____
JEFF NEDROW
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11	UNITED STATES OF AMERICA,)	No.: CR 09-00144-03 JW
12	Plaintiff,)	
13	v.)	[PROPOSED] ORDER CONTINUING
14	HEIDI MACPHERSON,)	HEARING AND EXCLUDING TIME
15	aka Heidi Pfeiffer,)	
16	Defendant.)	

The parties have jointly requested a continuance of the hearing set for Monday, August 31, 2009, to allow time for the parties to finalize terms of a settlement agreement, and for Ms. Pfeiffer and her counsel to review the plea agreement once prepared. Additionally, time is needed for continuity of counsel.

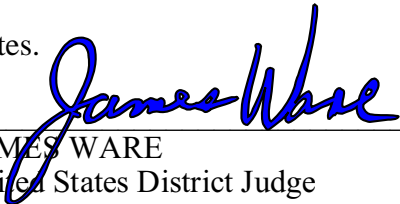
GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Monday, August 31, 2009, be continued to Monday, September 21, 2009, at 1:30 p.m.

Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from August 31, 2009 to September 21, 2009, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq. The Court

1 finds, based on the aforementioned reasons, that the ends of justice served by granting the
2 requested continuance outweigh the interest of the public and the defendant in a speedy trial.
3 The failure to grant the requested continuance would deny defense counsel reasonable time
4 necessary for effective preparation, taking into account the exercise of due diligence, and would
5 result in a miscarriage of justice. The Court therefore concludes that this exclusion of time
6 should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

7 The Court further VACATES the previously set trial dates.

8 Dated: August 25, 2009



JAMES WARE
United States District Judge